
SENATE BILL No. 191

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-41-23.5; IC 34-30-2-83.1.

Synopsis: Toilet facility access. Requires retail establishments, except certain filling or service stations, to make employee toilet facilities available to the public if no other toilet facility is readily available.

Effective: July 1, 2008.

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January 8, 2008, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 191

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-41-23.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2008]:

4 **Chapter 23.5. Toilet Facility Access in Retail Establishments**

5 **Sec. 1. As used in this chapter, "customer" means an individual**
6 **who is lawfully on the premises of a retail establishment.**

7 **Sec. 2. (a) As used in this chapter, "retail establishment" means**
8 **a place of business open to the general public for the sale of goods**
9 **or services.**

10 **(b) The term does not include a filling station or service station**
11 **that is eight hundred (800) square feet or less.**

12 **Sec. 3. A retail establishment that has a toilet facility for its**
13 **employees shall allow a customer to use the toilet facility during**
14 **normal business hours if the toilet facility is reasonably safe and**
15 **the following conditions are met:**

16 **(1) Three (3) or more employees of the retail establishment**
17 **are working at the time the customer requests to use the**



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employee toilet facility.

(2) The retail establishment does not normally make a toilet facility available to the public.

(3) The employee toilet facility is not located in an area where providing access would create an obvious:

(A) health or safety risk to the customer; or

(B) security risk to the retail establishment.

(4) A public toilet facility is not immediately accessible to the customer.

Sec. 4. (a) A retail establishment or an employee of a retail establishment is not civilly liable for any act or omission in allowing a customer to use an employee toilet facility under this chapter if the act or omission meets the following conditions:

(1) The act is not willful or grossly negligent.

(2) The act occurs in an area of the retail establishment that is not accessible to the public.

(3) The act results in an injury to or death of the customer or any individual other than an employee accompanying the customer.

(b) A retail establishment is not required to make any physical changes to an employee toilet facility under this chapter.

SECTION 2. IC 34-30-2-83.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 83.1. IC 16-41-23.5-4 (Concerning the use of employee toilets in retail establishments).**

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